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dba Advanced Cardiovascular Specialists
and Carlos E. Fonte*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GAIL E. SANDLER,

Plaintiff,

vs.

CARLOS E. FONTE M.D., LTD., a Nevada
professional corporation, dba ADVANCED
CARDIOVASCULAR SPECIALISTS; and
CARLOS E. FONTE, individually,

Defendants.

Case No. 2:21-cv-01044- JAD-VCF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY AND
DISPOSITIVE MOTION DEADLINES
(First Request)**

Plaintiff Gail E. Sandler (“Plaintiff”), through her counsel Law Offices of Robert P. Spretnak, and Defendants Carlos E. Fonte M.D., Ltd. dba Advanced Cardiovascular Specialists (“ACS”) and Carlos E. Fonte (“Dr. Fonte”) (collectively, “Defendants”), through their counsel Jackson Lewis P.C., hereby stipulate and agree as follows:

1. On December 10, 2021, the Court entered an Order granting the parties’ Amended Stipulated Discovery Plan and Scheduling Order. ECF No. 25.

2. This is the first request by the parties to extend the discovery deadlines set forth in the December 10, 2021, Order. ECF No. 25.

3. Plaintiff’s Counsel will be out of the office and traveling internationally during the month of May 2022. Plaintiff’s Counsel has also been busy with several other matters, including an appeal with the Ninth Circuit and an upcoming trial.

1 4. Defendants' Counsel has been busy with several other matters, including two
2 arbitrations scheduled approximately over the next six weeks.

3 5. Given these issues, the parties recognize they will be unable to complete
4 outstanding discovery, particularly depositions in this case by June 1, 2022, and are requesting an
5 extension of the discovery deadline.

6 6. The parties stipulate and agree to extend the deadline for the close of discovery for
7 ninety (90) days to allow the parties to complete the pending written discovery and conduct
8 necessary depositions in order to fully evaluate the claims and defenses presented.

9 **STATEMENT OF DISCOVERY THAT HAS BEEN COMPLETED**

10 On July 16, 2021, Plaintiff served her initial disclosures. On July 23, 2021, Defendants
11 served their initial disclosures. On October 21, 2021, Defendant ACS served a Supplement to
12 Initial Disclosures. On December 23, 2021, Plaintiff served her First Set of Requests for
13 Production of Documents on Defendants, her First Set of Requests for Admissions on Defendant
14 Dr. Fonte, and her First Supplement to Plaintiff's Initial Disclosures. On February 17, 2022,
15 Defendants responded to Plaintiff's First Set of Requests for Production of Documents, and
16 Defendant Dr. Fonte responded to Plaintiff's First Set of Requests for Admissions. Defendants
17 also served Supplements to Initial Disclosures on February 17, 2022. On March 25, 2022,
18 Defendants served their First Set of Interrogatories and First Set of Requests for Production of
19 Documents on Plaintiff. On April 25, 2022, Plaintiff responded to Defendants' First Set of
20 Requests for Production of Documents and served her Second Supplement to Initial Disclosures.
21 Plaintiff is working on responses to Defendants' First Set of Interrogatories and has been granted
22 an extension to May 25, 2022, to serve her responses. The parties are currently working on
23 completing written discovery and scheduling depositions.

24 **STATEMENT OF DISCOVERY THAT REMAINS TO BE COMPLETED**

25 The parties have not yet completed discovery and anticipate that additional time will be
26 needed for written discovery and depositions, including the depositions of Plaintiff and Defendant
27 Dr. Fonte. Further written discovery may be needed depending on the outcome of the initial round
28

1 of depositions. For the above stated reasons, the parties request that the discovery deadline be
2 extended ninety (90) days from **June 1, 2022**, to **August 30, 2022**.

3 **PROPOSED SCHEDULE**

4 The parties stipulate and agree that:

5 1. **Discovery:** The discovery period shall be extended ninety (90) days from **June 1,**
6 **2022, to August 30, 2022.**

7 2. **Dispositive Motions:** The parties shall have through and including **September**
8 **29, 2022**, to file dispositive motions, which is thirty (30) days after the discovery deadline.

9 3. **Pre-Trial Order:** If no dispositive motions are filed, the Joint Pretrial Order shall
10 be filed thirty (30) days after the date set for the filing of dispositive motions. In the event
11 dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until
12 thirty (30) days after decision on the dispositive motions or by further order of the Court.

13 4. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** In
14 accordance with Local Rule 26-3, a stipulation or motion for modification or extension of this
15 discovery plan and scheduling order and any deadline contained herein, must be made not later
16 than twenty-one (21) days before the subject deadline. Any additional stipulations or motions to
17 extend the discovery period shall be filed no later than **August 9, 2022.**

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1 This stipulation and order is sought in good faith and not for the purpose of delay.

2 Dated this 3rd day of May, 2022.

3 LAW OFFICES OF ROBERT P. SPRETNAK

JACKSON LEWIS P.C.

4 /s/ Robert P. Spretnak

5 Robert P. Spretnak, Esq., Bar No. 5135
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7 *Attorney for Plaintiff*

/s/ Holly E. Walker

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Attorneys for Defendants

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9
10 **ORDER**

11 IT IS SO ORDERED:

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13 United States Magistrate Judge

14 Dated: 5-4-2022

15 4864-6443-5230, v. 1